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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/072,408

02/08/2002

Blair E. Nygren

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7590

11/17/2005

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EXAMINER

THAI, CANG G

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/072,408	NYGREN ET AL.	
	Examiner	Art Unit	
	Cang G. Thai	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02/08/2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/11/03, 12/4/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 06/11/2003 and 12/04/2003 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0012356 (MCDUFF ET AL).

As for Claims 1-38, MCDUFF disclosed a memory and modules. As for the steps carried out by the modules, these have no patentable weight since they do not instruct/direct a computer processor to carry out these steps. Therefore, the steps are nonfunctional and have no patentable weight. Inclusion of CPU or processor to carry out the steps would overcome this rejection (See Claim 39).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 39-62 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,946,375 (PATTISON ET AL).

As for Claim 39, PATTISON discloses a system for implementing a recording plan based upon the presence of a client, comprising:

a memory operable to store a plurality of plan templates and client information {See Fig. 1, Element 10};

a processor coupled to the memory and operable to:

receive a presence message signifying the presence of a client on a network associated with the system, the presence message comprising a presence type and a client identity {See Fig. 1, Element 14};

retrieve a plan template from the memory in response to receiving the presence message, wherein the template is retrieved based upon the client identity and the presence type {See Fig. 1, Element 16}; and

create a recording plan associated with the client based at least in part upon the plan template {See Fig. 1, Element 24}.

As for Claim 40, PATTISON discloses the system of Claim 39, wherein the network comprises at least one of a voice network and a data network, wherein the presence type indicates the presence of the client on at least one the voice network and the data network {Column 4, Lines 27-29, wherein this reads over “a data session over

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a global computer network, such as the Internet, may be scheduled, monitored, stored, and evaluate using environment 10”}.

As for Claim 41, PATTISON discloses the system of Claim 39, wherein the plan template comprises a plurality of recording parameters, trigger information, and participant information {Column 5, Lines 59-62, wherein this reads over “if the monitoring length exceeds the specified maximum length, then the system either immediately stops or completes recording of the current calls and stops”}.

As for Claim 42, PATTISON discloses the system of Claim 39, wherein the processor is further operable to retrieve client information based upon the client identity, in response to receiving the presence message, and create the recording plan further based upon the client information {Column 6, Lines 26-29, wherein this reads over “a call center supervisor may direct the system of the preferred embodiment to monitor the agent multiple times or using multiple scheduling criteria within a single day”}.

As for Claim 43, PATTISON discloses the system Claim 42, wherein the plan template indicates plan period and the client information indicates client availability for at least a portion of the plan period {Column 6, Lines 8-10, wherein this reads over “the supervisor may identify, for each agent, the day of the week within the month, and the period during which the agent is to be monitored”}.

As for Claim 44, PATTISON discloses the system Claim 39, wherein the recording plan comprises a plurality of trigger conditions used initiate recording of at least one of a voice session and data session conducted by the client {See Fig. 8, Element 146}.

As for Claim 45, PATTISON discloses the system of Claim 39, wherein the recording plan comprises recording instructions {See Fig. 12B, Element 382}.

As for Claim 46, PATTISON discloses the system of Claim 45, wherein the recording instructions define a number of recordings to be made for a plan period {See Fig. 12B, Element 386}.

As for Claim 47, PATTISON discloses the system of Claim 46, wherein the recording instructions define recording pattern according to which the recordings are made for the plan period {See Fig. 9, Element 418}.

As for Claim 48, PATTISON discloses the system Claim wherein the recording pattern at least one of a random pattern, a first available pattern, manual pattern, and dispersion pattern {See Fig. 9, Element 404}.

As for Claim 49, PATTISON discloses the system Claim 39, wherein the recording plan comprises a voice recording plan and the processor is operable to record a voice session conducted by the client, according to the voice recording plan {See Fig. 10, Element 466}.

As for Claim 50, PATTISON discloses the system Claim 39, wherein the recording plan comprises a data-recording plan and a computer associated with the client is operable to record a data session conducted the client, according to the data-recording plan {See Fig. 10, Element 476}.

As for Claim 51, PATTISON discloses a method for implementing a recording plan based upon the presence of a client, comprising:

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receiving a presence message signifying the presence of a client, the presence message comprising a presence type and a client identity {Column 2, Lines 17-20, wherein this reads over “a platform coupled to the switching device records customer calls as a plurality of logged sessions and determines service representative monitoring periods having scheduling criteria”};

retrieving a plan template in response to receiving the presence message, wherein the plan template is retrieved based upon the client identity and the presence type {Column 2, Lines 20-22, wherein this reads over “the platform selects portions of the logged sessions that meet the scheduling criteria of the monitoring period”}; and

creating a recording plan associated with the client based at least in part upon the plan template {Column 2, Lines 33-34, wherein this reads over “it records each of the monitored sessions for later play back by the call center supervisor or recorded agent”}.

As for Claim 52, PATTISON discloses the method of Claim 51, wherein the presence type indicates the presence of the client on at least one of a voice network and a data network {Column 4, Lines 27-29, wherein this reads over “a data session over a global computer network, such as the Internet, may be scheduled, monitored, stored, and evaluate using environment 10”}.

As for Claim 53, PATTISON discloses the method of Claim 51, wherein the plan template comprises a plurality of recording parameters, trigger information, and participant information {Column 5, Lines 59-62, wherein this reads over “if the



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monitoring length exceeds the specified maximum length, then the system either immediately stops or completes recording of the current calls and stops”}.

As for Claim 54, PATTISON discloses the method Claim 51, further comprising retrieving client information based upon the client identity, and wherein the step of creating comprises creating the recording plan further based upon the client information {Column 6, Lines 26-29, wherein this reads over “a call center supervisor may direct the system of the preferred embodiment to monitor the agent multiple times or using multiple scheduling criteria within a single day”}.

As for Claim 55, PATTISON discloses the method Claim 54, wherein the plan template indicates a plan period and the client information indicates client availability for at least a portion of the plan period {Column 6, Lines 8-10, wherein this reads over “the supervisor may identify, for each agent, the day of the week within the month, and the period during which the agent is to be monitored”}.

As for Claim 56, PATTISON discloses the method of Claim 51, wherein the recording plan comprises a plurality of trigger conditions used to initiate recording of at least one of a voice session and a data session conducted by the client {Column 6, Lines 26-29, wherein this reads over “a call center supervisor may direct the system of the preferred embodiment to monitor the agent multiple times or using multiple scheduling criteria within a single day”}.

As for Claim 57, PATTISON discloses the method of Claim 51, wherein the recording plan comprises recording instructions {Column 6, Lines 11-15, wherein this reads over “the call center supervisor or other authorized operator to assign the



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monitoring periods and associate them with a combination of the time interval to monitor, the number of calls to monitor, and the maximum length for monitoring”}.

As for Claim 58, PATTISON discloses the method of Claim 57, wherein the recording instructions define a number of recordings to be made for a plan period {Column 6, Lines 20-22, wherein this reads over “the monitoring schedule may consist of up to 24 months, as established for each agent by the call center supervisor”}.

As for Claim 59, PATTISON discloses the method of Claim 58, wherein the recording instructions define a recording pattern according to which the recordings are made for the plan period {Column 6, Lines 22-24, wherein this reads over “this may be done by assigning one or more of the monitoring periods to any number of days within each month”}.

As for Claim 60, PATTISON discloses the method of Claim 59, wherein the recording pattern at least one of a random pattern, a first available pattern, manual pattern, and a dispersion pattern {Column 6, Lines 5-7, wherein this reads over “at position 68 the supervisor can input the name of the call center agent that the supervisor may desires to be monitored”}.

As for Claim 61, PATTISON discloses the method of Claim 51, wherein the recording plan comprises a voice recording plan and further comprising recording a voice session conducted by the client, according to the voice recording plan {See Fig. 8, Element 354}.

As for Claim 62, PATTISON discloses the method of Claim 51, wherein the recording plan comprises a data recording plan and further comprising recording a data

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session conducted by the client, according to the data recording plan {See Fig. 10, Element 476}.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

I. U.S. Patent:

- 1) U.S. Patent No. 6,640,145 (HOFFBERG ET AL.) is cited to teach media recording device with packet data interface,
- 2) U.S. Patent No. 6,442,567 (RETALLICK ET AL.) is cited to teach method and apparatus for improved contact and activity management and planning, and
- 3) U.S. Patent No. 6,574,661 (DELANO ET AL.) is cited to teach integrated proxy interface for web based telecommunication toll-free network management using a network manager for downloading a call routing tree to client.

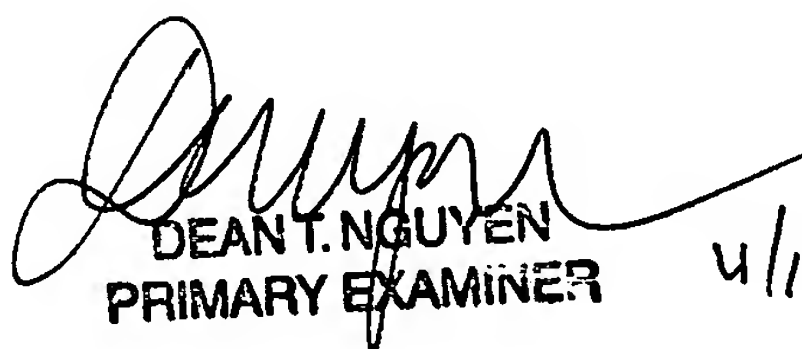
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cang (James) G. Thai whose telephone number is (571) 272-6499. The examiner can normally be reached on 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CGT  
10/28/2005

  
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PRIMARY EXAMINER 4/10/05